

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended, is respectfully requested.

Claims 1-3, 5-16, and 18-23 are presented for examination. Claims 4 and 17 are canceled without prejudice or disclaimer. Claims 5 and 18 have been rewritten in independent form as suggested in the outstanding Action. Dependent Claims 2, 3, 6, 8-14, 16, and 19 have been amended as to matters of form to better conform to U.S. claim practice without adding any new matter. Independent Claims 1 and 15 have been amended to better define what the language of “detecting a viewpoint” means in terms of “a viewpoint direction of eyes of a user relative to said reproducing means (device in Claim 15)” and to recite that a viewpoint output is provided. New Claim 20 is added to parallel apparatus Claim 1. These independent claim changes and the corresponding language of new Claim 20 is clearly supported by the descriptions of various viewpoint detectors at page 8, line 17 to page 9, line 26, for example, as are the changes to dependent Claims 2, 3, and 17 and the subject matter of new dependent Claim 21. New Claims 22 and 23 are clearly supported by the original claims and the other changes made to dependent Claims 2, 3, 6-14, 16, and 19 are clearly only formal in nature. Accordingly, no new matter has been introduced.

The outstanding Action presents a rejection of Claims 1-4 and 8-17 under 35 U.S.C. § 102(e) as being anticipated by Miura et al. (U.S. Published Patent Application No. 2004/0013398, Miura).

Applicants acknowledge with gratitude the indication of allowable subject matter as to Claims 5-7, 18, and 19. In accordance with the suggestion in the outstanding Action, Claims 5 and 18 have been rewritten in independent form so that allowance of Claims 5 and 18 is respectfully requested. As Claims 6 and 7 depend from Claim 5 and as Claim 19 depends from Claim 18, allowance of Claims 6, 7, and 19 is also respectfully requested.

Turning to a consideration of the subject matter of independent Claims 1 and 15 and the reasonable teachings of Miura, it is noted that independent Claims 1 and 15 have been amended so that there can be no doubt that at least the Claim 1 language requiring “detecting a viewpoint direction of eyes of a user relative to said reproducing means and providing a viewpoint output” and Claim 15 language requiring “detecting at least one viewpoint direction of eyes of a user relative to said reproducing device and outputting an indication of said at least one viewpoint direction” patentably defines over Miura.

In this regard, Miura teaches measuring the viewer’s (corresponds to user) reaction to a video-audio presentation using a cardiogram, respiration rate, respiration period, an electromyogram, cerebral blood flow, brain wave, amount of respiration, skin temperature, pupil diameter, eye opening degree, eye blink, facial expressions, blood flow of limb, blood flow in an earlobe and limb temperature, see paragraph [0094]. More specifically, paragraph [0100] indicates that:

The recognition evaluation value, indicating the degree of the viewer's interest, is calculated as a function of the eye opening degree, blink rate or the heart rate. The recognition evaluation value indicating the strength of impression is calculated from the eye opening degree, heart rate and the amount of sweat. The recognition evaluation value indicating the preference is calculated from the stableness of heart rate or the amount of sweat, limb temperature or limb blood flow. The recognition evaluation value indicating the fear is calculated from the degree of surprise or the degree of tension.

Noticeable by its absence is any teaching or suggestion by Miura to use the Claim 1 “viewpoint detecting means for detecting a viewpoint direction of eyes of a user relative to said reproducing means” or the similar Claim 15 step of “detecting at least one viewpoint direction of eyes of a user relative to said reproducing device.” To whatever extent that Miura teaches any eye conditions, these are pupil diameter, eye opening degree, and eye blink, not the viewpoint direction of the eyes relative to anything. Accordingly, Miura cannot be reasonably said to anticipate or render obvious the subject matter of Claims 1 and 15, much less that of new Claim 20 (that has a similar requirement for “an eye viewpoint detector

configured to detect a viewpoint direction of eyes of a user relative to said reproducing device”). Accordingly, withdrawal of the rejection of independent Claims 1 and 15 under 35 U.S.C. § 102(e) as being anticipated by Miura is respectfully requested along with an indication that Claim 20 patentably defines over Miura.

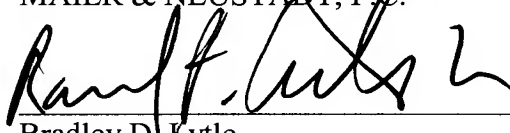
In addition, as Claims 2, 3, and 8-14 depend either directly or indirectly on Claim 1, Claim 16 depends directly on Claim 15, and Claims 21-23 depend directly on Claim 20, these dependent claims are believed to patentably define over Miura for the reasons set forth above as to these parent independent claims. Also, as dependent Claims 2, 3, 8-14 and 21-23 set forth further features not taught or suggested by Miura, these dependent claims are believed to patentably define over Miura for this reason as well.

Accordingly, the withdrawal of the rejection of claims 2, 3, and 8-14 under 35 U.S.C. § 102(e) as being anticipated by Miura is also respectfully requested.

As no further issues are outstanding, it is believed that the present application is in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Raymond F. Cardillo, Jr.
Registration No. 40,440